

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHICAGO BRIDGE & IRON COMPANY
N.V. and CB&I UK LIMITED,

Petitioners,

v.

REFINERÍA DE CARTAGENA S.A.S.,

Respondent.

Civil Action No. 1:23-cv-04825-GHW

**DECLARATION OF MIKE STENGLEIN IN SUPPORT OF
OPPOSITION TO PETITION TO VACATE AND
CROSS-PETITION TO CONFIRM**

MIKE F. STENGLEIN declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney-at-law of the State of Texas and a partner at King & Spalding LLP, attorney for Respondent Refinería de Cartagena S.A.S. (“Reficar”). I submit this declaration in support of Reficar’s Opposition to Petition to Vacate and Cross-Petition to Confirm.

2. Attached as Exhibit 1 is a true and correct copy of the Final Award issued in ICC Case No. 21747/RD/MK/PDP, *Refinería de Cartagena S.A. v. Chicago Bridge and Iron Company N.V. et al.* (the “ICC Arbitration”), issued on June 2, 2023.

3. Attached as Exhibit 2 is a true and correct copy of relevant excerpts of a transcript of proceedings held in the ICC Arbitration on July 16, 2021.

4. Attached as Exhibit 3 is a true and correct copy of a letter, designated as R-16 in the ICC Arbitration, from James Lloyd to Arbitration Tribunal, dated November 16, 2016.

5. Attached as Exhibit 4 is a true and correct copy of an email from the Members of the Tribunal to parties attaching Procedural Order No. 1 and related attachments in the ICC Arbitration, dated November 29, 2016.

6. Attached as Exhibit 5 is a true and correct copy of a letter designated as A-65 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated April 10, 2019.

7. Attached as Exhibit 6 is a true and correct copy of a letter designated as A-85 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated January 10, 2020.

8. Attached as Exhibit 7 is a true and correct copy of a letter designated as R-103 in the ICC Arbitration from Thomas Holt Jr. and Stephen Shapiro, dated January 27, 2020.

9. Attached as Exhibit 8 is a true and correct copy of a letter designated as A-88 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated February 6, 2020.

10. Attached as Exhibit 9 is a true and correct copy of an email designated as A-108 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated September 22, 2020.

11. Attached as Exhibit 10 is a true and correct copy of a letter designated as R-137 in the ICC Arbitration from Thomas Holt Jr. and Stephen Shapiro, dated October 16, 2020.

12. Attached as Exhibit 11 is a true and correct copy of an email designated as A-133 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated February 1, 2021.

13. Attached as Exhibit 12 is a true and correct copy of an email designated as A-145 in the ICC Arbitration from the Arbitration Tribunal to the parties, attaching the finalized Hearing Protocol, dated March 22, 2021.

14. Attached as Exhibit 13 is a true and correct copy of a letter designated as C-214 in the ICC Arbitration from Mike Stenglein to the Arbitration Tribunal, dated May 13, 2021.

15. Attached as Exhibit 14 is a true and correct copy of a letter designated as C-220 in the ICC Arbitration from Adam Gray to the Arbitration Tribunal, dated May 20, 2021.

16. Attached as Exhibit 15 is a true and correct copy of a letter designated as A-16

in the ICC Arbitration from the Arbitration Tribunal to the parties, dated June 9, 2017.

17. Attached as Exhibit 16 is a true and correct copy of Claimant's Non-Exhaustive Statement of Claim filed in the ICC Arbitration on April 28, 2017.

18. Attached as Exhibit 17 is a true and correct copy of a letter designated as C-84 in the ICC Arbitration from Mike Stenglein to the Arbitration Tribunal, dated November 15, 2019.

19. Attached as Exhibit 18 is a true and correct copy of an email and attached letter designated as A-74 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated October 28, 2019.

20. Attached as Exhibit 19 is a true and correct copy of a letter designated as A-78 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated November 25, 2019.

21. Attached as Exhibit 20 is a true and correct copy of an exhibit designated as JX-007 in the ICC Arbitration, attaching the Dispute Resolution between *Refinería de Cartagena S.A. and CB&I et al.* and the Coordination Agreement Relating to the Cartegena Refinery Expansion Project, dated June 15, 2010.

22. Attached as Exhibit 21 is a true and correct copy of Claimant's Reply to Respondents' Non-Exhaustive Statement of Defense, dated June 28, 2019.

23. Attached as Exhibit 22 is a true and correct copy of a letter designated as C-118 in the ICC Arbitration from Mike Stenglein to the Arbitration Tribunal, dated July 31, 2020.

24. Attached as Exhibit 23 is a true and correct copy of a letter designated as R-117 in the ICC Arbitration from Thomas Holt Jr. and Stephen Shapiro, dated August 7, 2020.

25. Attached as Exhibit 24 is a true and correct copy of a letter designated as A-105 in the ICC Arbitration from the Arbitration Tribunal to the parties, dated September 7,

2020.

26. Attached as Exhibit 25 is a true and correct copy of a copy of a joint email designate as C-85 and R-89 in the ICC Arbitration from the parties to the Arbitration Tribunal and attaching The Parties' Joint Proposal on the Hearing Logistics, dated November 16, 2019.

27. Attached as Exhibit 26 is a true and correct copy of Claimant's Request for Arbitration, filed in the ICC Arbitration, dated March 8, 2016.

28. Attached as Exhibit 27 is a true and correct copy of a compilation of appointments of arbitrators in the ICC Arbitration.

29. Attached as Exhibit 28 is a true and correct copy of a compilation of emails from the International Court of Arbitration of the International Chamber of Commerce extending the time limit for rendering the final award in the ICC arbitration.

30. Attached as Exhibit 29 is a true and correct copy of a letter designated as R-102 in the ICC Arbitration from Thomas Holt Jr. and Stephen Shapiro, dated January 22, 2020.

Dated: August 4, 2023



Mike Stenglein

CERTIFICATE OF SERVICE

I hereby certify that, on August 4, 2023, I electronically served the foregoing document on all opposing counsel for Petitioners, and served CBI Colombiana S.A. through its agent for service of process.

/s/ Mike Stenglein

Mike Stenglein (*admitted pro hac vice*)